

Amend Section 102352 to read:

102352 DEFINITIONS
(Continued)

102352

(f) (1) (Continued)

- (A) "Small Family Child Care Home" means a home that provides family child care for up to six children, or for up to eight children if the criteria in Section 102416.5(b) are met. These capacities include children under age 10 who ~~live~~ reside in at the licensee's home.
- (B) "Large Family Child Care Home" means a home that provides family child care for up to 12 children, or for up to 14 children if the criteria in Section 102416.5(ed) are met. These capacities include children under age 10 who ~~live~~ reside in at the licensee's home and the assistant provider's children under age 10.

Authority cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.74, 1596.75, 1596.77, 1596.770, 1596.78, 1596.791, ~~1596.81(b)~~, 1597.44, and 1597.465, Health and Safety Code; and Section 244, Government Code ~~Section 244~~.

Amend Section 102416.5 to read:

102416.5 STAFFING RATIO AND CAPACITY

102416.5

- (a) The capacity specified on the license shall be the maximum number of children for whom care ~~can~~ may be provided at any one time.
- (b) For a ~~s~~Small ~~f~~Family ~~e~~Child ~~e~~Care ~~h~~Home, the maximum number of children for whom care ~~shall~~ may be provided at any one time, including children under age 10 who ~~live in~~ reside at the licensee's home, shall be one of the following:
 - (1) Four infants; or
 - (2) Six children, no more than three of whom may be infants; or
 - (3) More than six and up to eight children, without an additional adult attendant, only if the criteria in Section 1597.44 of the Health and Safety Code are met.

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- ~~(3)~~ Health and Safety Code ~~S~~section 1597.44 states:

A small family day care home may provide care for more than six and up to eight children, without an additional adult attendant, if all of the following conditions are met:

- ~~(A)~~(a) At least ~~two of the children are~~ one child is enrolled in and attending kindergarten or elementary school and a second child is at least six years of age.
- ~~(B)~~(b) No more than two infants are cared for during any time when more than six children are cared for.
- ~~(C)~~(c) The licensee notifies each parent that the facility is caring for two additional schoolage children and that there may be up to seven or eight children in the home at one time.
- ~~(D)~~(d) The licensee obtains the written consent of the property owner when the family day care home is operated on property that is leased or rented.

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- (c) The total licensed capacity for a Small Family Child Care Home shall not exceed eight children.

(ed) For a ~~H~~Large ~~f~~Family ~~e~~Child ~~e~~Care ~~h~~Home, the maximum number of children for whom care ~~shall~~ may be provided at any one time when there is an assistant provider in the home, including children under age 10 who ~~live in~~ reside at the licensee's home and the assistant provider's children under age 10, shall be either:

- (1) Twelve children, no more than four of whom may be infants; or
- (2) More than twelve and up to fourteen children only if the criteria in Section 1597.465 of the Health and Safety Code are met.

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(2) Health and Safety Code ~~S~~section 1597.465 states:

A large family day care home may provide care for more than 12 children and up to and including 14 children, if all of the following conditions are met:

- ~~(A)~~(a) At least ~~two of the children are~~ one child is enrolled in and attending kindergarten or elementary school and a second child is at least six years of age.
- ~~(B)~~(b) No more than three infants are cared for during any time when more than 12 children are being cared for.
- ~~(C)~~(c) The licensee notifies a parent that the facility is caring for two additional schoolage children and that there may be up to 13 or 14 children in the home at one time.
- ~~(D)~~(d) The licensee obtains the written consent of the property owner when the family day care home is operated on property that is leased or rented.

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- (e) If no assistant provider is present at a Large Family Child Care Home, then the licensee shall comply with the capacity requirements for a Small Family Child Care Home as specified in subsections (b) and (c).
- (f) The total licensed capacity for a Large Family Child Care Home shall not exceed fourteen children.
- (g) For the purpose of meeting the criteria in Sections 1597.44 and 1597.465 of the Health and Safety Code, for a school age child who is under age six, the licensee shall maintain documentation verifying the child's enrollment and attendance at kindergarten, including transitional kindergarten, or elementary school.

- (1) The documentation requirement shall be met by either of the following:
 - (A) Documentation from the school in which the child is enrolled and attending verifying the child's enrollment and attendance, or
 - (B) A signed and dated statement from the child's authorized representative verifying the child's enrollment and attendance.
- (2) The documentation and statement described in paragraph (1) shall include the name of the child, the name of the school the child is enrolled in and attending, the date of the child's enrollment and the date the child started attending the school.
- (3) The licensee shall obtain the documentation or statement described in paragraph (1) at the beginning of each school year, no later than 30 calendar days from the date the child begins attending school, until the child is six years of age. If a child enrolls in and begins attending school after the school year has commenced, then the licensee shall obtain the documentation or statement described in paragraph (1) upon enrollment or within 30 calendar days following the child's enrollment.
- (4) The documentation and statement described in paragraph (1) shall be maintained in the child's record pursuant to Section 102421.
- (h) For a Family Child Care Home that meets the criteria in Sections 1597.44 or 1597.465 of the Health and Safety Code to care for up to two additional children, the licensee shall maintain proof of parent notification in the child's record pursuant to Section 102421.
 - (1) For a Small Family Child Care Home that meets the criteria to care for up to two additional children, the licensee shall maintain proof of parent notification as specified in Section 1597.44(c) of the Health and Safety Code.
 - (2) For a Large Family Child Care Home that meets the criteria to care for up to two additional children, the licensee shall maintain proof of parent notification as specified in Section 1597.465(c) of the Health and Safety Code.
- (i) For the purpose of meeting the criteria in Sections 1597.44 and 1597.465 of the Health and Safety Code "school age child" means a child who meets one of the following criteria:
 - (1) Is enrolled in and attending kindergarten, including transitional kindergarten, or elementary school; or
 - (2) Is at least six years of age.

Authority cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.78, 1597.44, and 1597.465, ~~and 1597.57~~, Health and Safety Code.

Amend Section 102417 to read:

102417 OPERATION OF A FAMILY CHILD CARE HOME
(Continued)

102417

- (o) The licensee shall maintain documentation of proof of control of property at the Family Child Care Home for review by the Department.
- (1) If the licensee owns or is buying the home, ~~this~~ "proof of control of property" is a copy of the property deed, the property tax statement, or a payment coupon from the mortgage company or bank.
- (2) If the licensee is operating on rented or leased property, ~~this~~ "proof of control of property" is a copy of the rental agreement or lease.
- (p) A prospective Family Child Care Home licensee who resides in a rental property shall provide written notice of intent to operate a Family Child Care Home to the landlord or owner of the rental property prior to the commencement of operation of the Family Child Care Home in accordance with Section 1597.40(d) of the Health and Safety Code. The licensee shall maintain proof of this notification at the Family Child Care Home for review by the Department.
- (1) The licensee shall provide the landlord or owner of the rental property with a completed LIC 9151 (Rev. 8/14) Property Owner/Landlord Notification, which is incorporated by reference, for this purpose and maintain a copy of the completed form at the Family Child Care Home for review by the Department.

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Health and Safety Code section 1597.40(d) states:

- (1) A prospective family day care home provider, who resides in a rental property, shall provide 30 days' written notice to the landlord or owner of the rental property prior to the commencement of operation of the family day care home.
- (2) For family day care home providers who have relocated an existing licensed family day care home program to a rental property on or after January 1, 1997, less than 30 days' written notice may be provided in cases where the department approves the operation of the new location of the family day care home in less than 30 days, or the home is licensed in less than 30 days, in order that service to the children served in the former location not be interrupted.
- (3) A family day care home provider in operation on rental or

leased property as of January 1, 1997, shall notify the landlord or property owner in writing at the time of the annual license fee renewal, or by March 31, 1997, whichever occurs later.

(4) Notwithstanding any other provision of law, upon commencement of, or knowledge of, the operation of a family day care home on his or her property, the landlord or property owner may require the family day care home provider to pay an increased security deposit for operation of the family day care home. The increase in deposit may be required notwithstanding that a lesser amount is required of tenants who do not operate family day care homes. In no event, however, shall the total security deposit charged exceed the maximum allowable under existing law.

(5) Section 1596.890 shall not apply to this subdivision.

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~~(pq)~~ A licensee who operates on rented or leased property, and who wishes to increase the capacity of the ~~f~~Family ~~e~~Child ~~e~~Care ~~h~~Home as specified in Section 102416.5(b)(3) or Section 102416.5(~~e~~)(~~4~~2), shall obtain the written consent of the property owner/landlord to increase the home's capacity to eight or 14 children.

(1) The licensee shall maintain the original of the completed and signed LIC 9149 (Rev. 8/14) Property Owner/Landlord ~~e~~Consent, which is incorporated by reference, ~~form shall be~~ attached to the ~~f~~Family ~~e~~Child ~~e~~Care ~~h~~Home's license ~~and kept~~ on file in the home.

~~(qr)~~ A signed and dated copy of LIC 9052 (Rev. 4/88), Notice of Employee Rights, shall be maintained in the employee's personnel record.

~~(rs)~~ Upon notice from the Department to remove an individual from the home, pursuant to Health and Safety Code Section 1596.871(c)(2), or to exclude an individual from the home, pursuant to Health and Safety Code Section 1596.8897, the licensee shall;

(1) (Continued)

(3) Obtain a signed and dated receipt from one parent or authorized representative that acknowledges that he/she was given a copy of the addendum specified in Section 102417(~~rs~~)(2).

(4) Maintain copies of the signed and dated receipt required in Section 102417(~~rs~~)(3) in each child's file. Copies shall be made available to the Department upon request.

Authority cited: Section 1596.81, Health and Safety Code.

Reference: Sections ~~1596.72, 1596.73~~, 1596.78, ~~1596.81(b)~~, 1596.841, 1596.846(b) and (c), 1596.871(c)(2), 1596.880, 1596.881, 1596.882, 1596.8897, 1597.30, 1597.40, 1597.44, 1597.45, 1597.46, 1597.465, 1597.531 and 1597.54(b)(2), Health and Safety Code.

Amend Section 102421 to read:

102421 CHILD'S RECORDS

102421

- (a) The licensee shall maintain, in each child's record, the signed and dated notice form required in Section 102419(d).
 - (1) The licensee shall ~~kept~~ keep the signed and dated notice form for at least three years following termination of service to the child.
- (b) The licensee shall maintain, in each child's record, a copy of the emergency information card as required in Section 102417(g)(7).
- (c) In any case in which the licensee cares for an additional child pursuant to Section 102416.5(b) for a Small Family Child Care Home or Section 102416.5(d) for a Large Family Child Care Home, the licensee shall maintain, in the child's record, a copy of documentation verifying the child's enrollment and attendance at kindergarten, including transitional kindergarten, or elementary school as required in Section 102416.5(g).
- (d) In any case in which the licensee cares for an additional child pursuant to Section 102416.5(b) for a Small Family Child Care Home or Section 102416.5(d) for a Large Family Child Care Home, the licensee shall maintain, in the child's record, proof of parent notification that the facility is caring for an additional child as required in Section 102416.5(h).
 - (1) The licensee shall maintain a completed and signed LIC 9150 (Rev. 8/14) Parental Notification Additional Children in Care, which is incorporated by reference, for this purpose.
- ~~(e)~~(e) In any case in which a licensee releases a minor to a peace officer pursuant to Section 305 of the Welfare and Institutions Code, the licensee shall provide the peace officer with the address and telephone number of the minor's parent or authorized representative in order to enable the peace officer to make the notification required by Section 308 of the Welfare and Institutions Code

Authority cited: Section 1596.81, Health and Safety Code.

Reference: Sections ~~1596.72, 1596.73, 1596.857, 1596.872, 1596.876,~~ 1596.78, and 1597.30, 1597.44 and 1597.465, Health and Safety Code.